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BY ECF

Hon. Vernon S. Broderick, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *Sabrina DeVita. v. Mount Sinai Hospital, et al.*
Case No.: 22 CV 9826 (VSB)

November 1, 2023 **APPLICATION GRANTED**
SO ORDERED 
VERNON S. BRODERICK
U.S.D.J.

Plaintiff shall respond to
Defendants' motion to dismiss
by November 6, 2023.

Dated: November 2, 2023

Dear Judge Broderick:

Our firm represents the Plaintiff Sabrina DeVita in this action. The purpose of this letter is to respond to Your Honor's Order issued on October 27, 2023 [Docket #62] directing that Plaintiff file a letter by November 1, 2023, explaining whether she intends on opposing Defendants' motion to dismiss.

On September 5, 2023, this Court issued an Order [Docket #55] directing that if Defendants move to dismiss the amended complaint by October 2, 2023, any opposition to Defendants' motion to dismiss had to be filed by October 23, 2023. And Defendants had to file any reply by November 6, 2023.

Unfortunately, due to an input error based on a misreading of the briefing schedule, our system had the opposition to Defendants' motion to dismiss calendared to be filed with the Court by November 6, 2023, instead of October 23, 2023. For this reason, Plaintiff neither opposed the motion nor requested an extension of time to do so by October 23, 2023.

Certainly, this error was unintentional and meant no disrespect to the Court or counsel. And I sincerely apologized to the Court and counsel for the inconvenience. Thus, since Plaintiff certainly intends on opposing Defendants' motion to dismiss, and we need a couple of more days to complete the Memorandum of Law in Opposition, it is respectfully requested that the Court grant Plaintiff an extension of time until November 6, 2023, to file a Memorandum of Law in Opposition to Defendants' motion to dismiss. Defendants' counsel position regarding this application is unknown at this time.

Your Honor's attention and understanding to this matter is greatly appreciated.

Respectfully Submitted,



Victor H. Saldarriaga (VS2191)

cc: **By ECF**
Rory J. McEvoy, Esq.
Counsel for Defendants